

Serial No. 10/758,531
Docket No. US01-03046 (FJII.050)

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REMARKS

Entry of this response is proper under 37 CFR § 1.116, since there are no new claims or new issues raised and Applicants merely respond herein to the new rejection. There are no claim amendments but a clean version is provided of the recently-amended claims is provided for reference and for convenience of the USPTO.

Claims 1-25 are all the claims presently pending in the application.

It is noted that the claim amendments, if any, are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1, 2, and 7-10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,912,649 to Hattori et al., further in view of US Patent No. 5,929,562 to Pichler. Claim 3 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Hattori/Pichler, further in view of Applicants' Admitted Prior Art (AAPA), further yet in view of US Patent No. 4,829,213 to Pecile et al. Claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hattori/Pichler/AAPA, further yet in view of US Patent No. 4,396,864 to Suntola et al. Claims 5 and 13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hattori/Pichler/AAPA, further yet in view of US Patent No. 6,969,948 to Urabe et al. Claim 6 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Hattori/Pichler/AAPA, further yet in view of US Patent No. 5,983,831 to Kleinberger et al. Claim 12 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Hattori/Pichler/AAPA, further in view of US Patent No. 4,719,385 to Burrow et al. Claim 14 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Hattori/Pichler/AAPA, further yet in view of US Patent No. 4,945,009 to Taguchi et al. Claim 15 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Hattori, further in view of AAPA. Claims 16-20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hattori, further in view of AAPA and Urabe. Claims 21-24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,965,981 to Inoguchi et al., further in view of US Patent No. 5,334,576 to Lynam et al., further in view of US Patent No 6, 525,699 to Suyama et al. Claim 25 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Hattori, further in view of Pichler.

These rejections are respectfully traversed in the following discussion.

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I. THE CLAIMED INVENTION

The claimed invention, as exemplarily described in independent claim 1, is directed to a three-dimensional image displaying apparatus including a front display unit having at least one transparent display screen, the at least one transparent display screen including a plurality of organic electroluminescent elements and a rear display unit located behind the front display unit and having a display screen. The three-dimensional image results from selectively applying a difference in brightness of selected pixels of the front display unit and the rear display unit. A spacer is connected between the front display unit and the rear display unit. The spacer provides a stability for the three-dimensional image when the three-dimensional image displaying apparatus receives an impact shock.

As explained in the third full paragraph on page 2 of the specification, conventional three-dimensional image devices such as shown in Figure 1 are subject to distortion if the device receives an impact shock.

The claimed invention, on the other hand, uses a spacer that reduces or prevents this distortion after the device receives an impact shock. The prior art of record fails to teach or suggest this combination of elements.

II. THE PRIOR ART REJECTIONS

The Examiner alleges that Hattori, when modified by Pichler (and AAPA) renders obvious claims 1, 2, and 7-10, and, when further modified by Pecile, renders obvious claim 3, when further modified by Suntola, renders obvious claims 4 and 11, when further modified by Urabe, renders obvious claims 5 and 13, when further modified by Kleinberger, renders obvious claim 6, when further modified by Barrow, renders obvious claim 12, when further modified by Taguchi, renders obvious claim 14.

The Examiner further alleges that Hattori, when modified by AAPA, renders obvious claim 15, and, when further modified by Urabe, renders obvious claims 16-20.

The Examiner further alleges that Inoguchi, when modified by Lynam and Suyama, renders obvious claims 21-24.

The Examiner further alleges that Hattori, when modified by Pichler, renders obvious claim 25.

Applicants respectfully disagree.

The rejections based on Hattori:

Similar to the response contained in the Amendment Under 37 CFR §1.111 filed on

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January 31, 2007, Applicants again submit that there are elements of the claimed invention which are neither taught nor suggested by Hattori, primarily because of its different principle of operation from that of the claimed invention.

That is, although Hattori's apparatus has front and rear display units 10, 20, separated by a "sealing material" 3, the principle of operation in this apparatus is that of forming two kinds of images: a real image (due to the light directly emitted to the viewer) and a virtual image (due to the reflected light). As described in lines 31-34 of column 1, the perception of depth is due to the virtual image, and this virtual image relies upon the reflector 5 for its formation.

The rejection attempts to modify primary reference Hattori to eliminate the reflector and incorporate the aspect of AAPA wherein different brightness is the mechanism for an impression of depth. The Examiner alleges that there would have been motivation for such modification would eliminate the reflector 5, thereby "*significantly decreasing the size of the device.*"

In response, Applicants again submit that such modification of primary reference Hattori clearly changes its principle of operation in the mechanism used to generate its three dimension effect. Such change in principle of operation is improper under the holding of *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959), as described in MPEP §2143.01: "*If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious.*"

Therefore, since this feature of using different brightness is an element in independent claims 1 and 15, Applicants respectfully submit that the rejection currently of record fails to provide a *prima facie* rejection for claims 1-20.

Moreover, relative to the feature of claim 1 wherein a spacer is defined as providing stability for impact shocks, Applicants respectfully submit that such stability is not inherent in merely having a spacer between display units, as the Examiner alleges. That is, although Hattori does incorporate spacer 3, there is no suggestion in Hattori that this spacer 3 is a rigid material or that it has been properly affixed to the display units 10, 20 to withstand an impact shock. Since spacer 3 is clearly described at lines 60-61 of column 2 as merely providing a hermetic seal, this function can be achieved by a non-porous soft material such as a rubber or resin compound that would not inherently have impact resistance. Nor is there any suggestion in Hattori that the display units are bonded to the spacer in a manner designed to

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withstand an impact shock.

Therefore, Applicants respectfully submit that the evaluation currently of record also fails to provide sufficient evidence to establish that the spacer 3 of primary reference Hattori has been designed to withstand impact shock, as required by independent claim 1.

The Examiner relies upon the secondary references for purposes other than overcoming these basic deficiencies in Hattori, so that the modifications of Hattori by these secondary references, even if proper, would still fail to result in the combination of the claimed invention.

Hence, turning to the clear language of the claims, in Hattori there is no teaching or suggestion of: "... the three-dimensional image due to selectively applying a difference in brightness of selected pixels of the front display unit and the rear display unit; ... the spacer providing a stability for the three-dimensional image when the three-dimensional image displaying apparatus receives an impact shock", as required by independent claim 15. Independent claim 1 has similar language.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggest by Hattori and that all claims are clearly patentable over Hattori. Therefore, the Examiner is respectfully requested to withdraw these rejections based on Hattori.

Further, Applicant submits that the Examiner can point to no reasonable motivation or suggestion in the references themselves that urge the combination as alleged by the Examiner in the rejections and that the rationales of record comprise mere conclusory statements.

The Rejection Based on Inoguchi, as modified by Lynam and Suyama:

The Examiner alleges that Inoguchi, when modified by Lynam and Suyama, renders obvious claims 21-24.

Again, Applicants respectfully disagree, since primary reference Inoguchi fails to satisfy the plain meaning of claim language relative to the structure defined in independent claim 21. More specifically, Inoguchi fails to provide a second display unit with a display screen. The Examiner points to the electrochromic device 62 in Figure 9 as being the display screen for a second display unit. However, this electrochromic device 62 is described at line 14 of column 9 as having a light shutter function for the underlying solar cell 9, which function fails to satisfy the plain meaning of a "display screen."

The Examiner does not rely upon secondary references Lynam and Suyama in any manner that would overcome this basic deficiency of primary reference Inoguchi.

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Hence, turning to the clear language of the claims, in Inoguchi there is no teaching or suggestion of: "... a rear display unit located behind the front display unit and having a display screen", as required by independent claim 25.

III. FORMAL MATTERS AND CONCLUSION

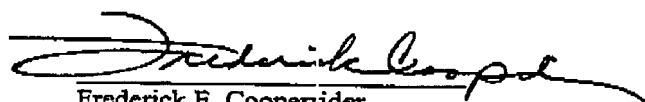
In view of the foregoing, Applicant submit that claims 1-15, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

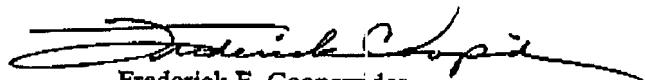
Date: 08/22/07


 Frederick E. Cooperrider
 Registration No. 36,769

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 8321 Old Courthouse Road, Suite 200
 Vienna, VA 22182-3817
 (703) 761-4100
 Customer No. 21254

CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Amendment under 37 CFR §1.116 to Examiner W. Boddie on August 22, 2007.


 Frederick E. Cooperrider
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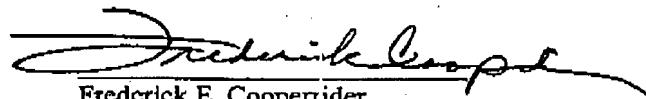
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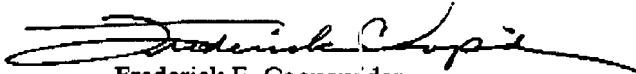


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I certify that I transmitted via facsimile to (571) 273-8300 this Amendment under 37 CFR §1.116 to Examiner W. Boddie on August 22, 2007.


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